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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,449	08/26/2003	Jesse D. Crum	WK/4/US	5756
7590 10/08/2004			EXAMINER	
WARD KRAFT, INC. P.O. BOX 938 FORT SCOTT, KS 66701			RESAN, STEVAN A	
			ART UNIT	PAPER NUMBER
			1773	
DATE MAILED: 10/08/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/649,449

Applicant(s)

CRUM, JESSE D.

Examiner

Stevan A. Resan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) 6-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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1. Applicant's election without traverse of claims 1-5 in the reply filed on 30 August 2004 is acknowledged.
2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over any one of Fischer et al US 3108824, Nelson et al US 3895220, or Kachi et al US 4658125 in view of Deetz US 5843329.

Each of the three primary references disclose a communication piece as claimed in claims 1, 2, and 3. See figures

Claim 3 has been given no weight since it is a process limitation and not a limitation directed to the final product. Process limitations carry no weight in article claims unless they can be shown to produce a patentably distinct article.

The three primary references do not specify a thickness range for the magnetic ink printing as in present claims 1, 5.

However the articles of these references are made by a printing process using magnetic inks. It would have been obvious to one of ordinary skill in the art to optimize the magnetic particle content and viscosity of the ink in order to print at the highest rate possible consistent with a quality product. Deetz is supplied as a secondary reference for teaching improvements over prior art magnetic paints and inks of the kinds used at

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the time of the inventions of the primary references. Deetz teaches a coating composition which typically dries to a thickness of about 1 to 6 mils (Example 4). Deetz also teaches the use of acrylic based coatings (Col 5 lines 44, 49, 50 ). Therefore it would have been obvious to one of ordinary skill in the art to follow the teachings of Deetz to formulate the magnetic ink used in order to lower costs and simplify production.

Deetz does not specify the formula as in claim 4.

However since Deetz teaches acrylic based coatings, it would have been obvious to one of ordinary skill in the art to use a UV curable ink to gain better process control, minimize VOC and speed the curing process. The claimed ranges of ferrite powder, stabilizer, and varnish fall into or overlap the ranges taught by Deetz or conventional magnetic ink formulations See Pynenberg et al cited below. Applicants have not shown a criticality for the claimed ranges.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pynenberg et al US 6432520 is cited for the state of the art of magnetic inks at the time of the invention. See Col 3 line 64-Col 4 line 7 and Col 4 lines 41-61.

Matsumura et al US 6693506 is cited for teaching a coated magnetic layer with a thickness of 1.2-4 mils that allows a sheet to be releasably attached to a ferromagnetic surface.

Kulesza US 3052564 is cited for teaching printing with magnetic ink.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stevan A. Resan whose telephone number is 571-272-1513. The examiner can normally be reached on Tues-Thurs from 7:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Deborah Jones, can be reached at 571-272-1535. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
STEVAN A. RESAN  
PRIMARY EXAMINER